

**EDUCATION AND YOUTH COMMITTEE  
OF THE  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A meeting of the Education and Youth committee of the Suffolk County Legislature was held at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11787 Tuesday, August 21, 2001 in the Rose Y. Caracappa Auditorium at 1:00 P.M.

**Members Present:**

Legislator Vivian Fisher, Chairperson  
Legislator Angie Carpenter, Vice Chair  
Legislator Jon Cooper  
Legislator Andrew Crecca  
Legislator Brian Foley  
Legislator Fred Towle

**Also in Attendance:**

Paul Sabatino, Counsel to the Legislature  
Jo Ann Thomas, Executive Dir. The Gateway Center, Inc.  
Maritza Santos, Public Relations Administrator, The Gateway Center, Inc.  
Nicole DeAngelo, County Executive's Office  
Charles Stein, Suffolk County Community College  
Linda Bay, Aide to P.O. Tonna  
Elizabeth Nostrand, Aide to Legislator Fisher  
Michael Rothfeld, Newsday  
Peter Quinn, L.I. Coalition for Democracy  
Jim Spero, Budget Review Office

**Minutes taken by:**

Eileen Schmidt, Legislative Secretary

(\*The meeting was called to order at 1:40 P.M.\*)

**CHAIRPERSON FISHER:**

Good afternoon everybody. Welcome to the August 21st. meeting of the Education and Youth Committee. Please join us in the pledge that will be led by Legislator Foley.

**SALUTATION**

Thank you, Brian. Our first speaker is Jo Ann Thomas and she is accompanied by Maritza Santos.

**MS. THOMAS:**

Good afternoon. Thank for inviting me here, my name is Jo Ann Thomas and I'm the co-founder and the Executive Director of the Gateway Center in Bay Shore and I have been there since 1995. We're a not-for-profit community based agency that conducts three-day workshops on loss, trauma, grief, rage and anger. The object of our workshops is to help people learn the purposes of natural emotions in the healing process in a very unique way. And how to deal with blocked or repressed feelings that they are experiencing or have experienced in the past. Traditional therapy allows approximately one hour for someone to begin to express their feelings, but at our workshops the participants spend three days feeling safe and being able to express things that have caused them not to live their lives in a full and healthy way.

Over the years, we've discovered that much of the trauma and abuse that an individual has suffered, more than likely, happened in childhood. The average age of our participants is 46 years old. We have had participants as young as 20 or as mature at 82 years of age, but the

Gateway Center is currently in the process of adding children's programs to our other programs.

On July 9th, I sent each of the Legislators an overview of our children's program named Project R.A.G.E. which is Rage, Anger, Grief, Education. Project R.A.G.E. is designed for adolescents to identify and deal with their rage and anger in a healthy way and get rid of feelings of anxiety and aggression. According to the statistics for the year 2000, fights and attacks with a weapon are more common in the middle schools for ages 11 to 13 where an estimated total of over 75[sic] [7,576] incidents occurring nationally. Students ages 12-18 were victims of more than 2.7 million crimes in the schools. A total of over 3500 students were expelled for bringing a firearm to school according to the most recent Gun-Free Schools Act Report. There are one hundred times more guns in the hands of children attending American schools today than principals have reported to Congress according to the Hamilton Fish Institute Survey. 37% of students have reported that there are gang presence at their schools and 44% feel they are responsible for keeping their schools safe. This is not what they should be focusing on. Students are two times more likely to be victims of a serious violent crime away from school than at school, so the numbers of violent acts are extremely high for adolescents. On the average each year there are over 133,000 violent crimes against teachers at both public and private schools. And I gave you in the packet at the end of the packet there's a little illustration from Newsday, yesterday's Newsday, which fit in perfectly for me today about how we view going back to school shopping. Can you see that?

CHAIRPERSON FISHER:  
Yes.

MS. THOMAS:

At the top there at the editorial it says, "Where there is no vision, the people perish." So it was like so important a message for me today to be coming here to express that cause I have a vision for these children. Many of the children live with fears and they're insecure with themselves. They believe they're not good enough, they come from divorced families, single parent families. They're children of alcohol and drug abuse, emotional, physical or sexual abuse, and they have the feeling of lack of self worth and lack of belief in themselves. At the Gateway Center with our programs we can help give them back their self-esteem and pride in who they really are. So, what I'm asking for is that we need a building and funding to help implement our programs to help those children who are screaming out to us to help them.

The Gateway Center has the ability to incorporate our successful adult workshops into age appropriate programs for adolescents ages 8 through 18. Programs will run from a half a day to over a day and a half. Our extended programs will last over an eight-week time period. We're in need of a building that will house all of our programs under one roof. The adults will attend the three day residential workshop on the weekends and the children will attend our daily programs at the same facility.

Currently, we rent different retreat centers in Suffolk County and also upstate New York at the Stony Point Conference Center. We must create a stable environment for the adults as well as the children because many have been shuffled around during their young lives. We have been forced over the past six years to exist almost like gypsies, living out of our cars traveling from retreat center to retreat center with all of our supplies. Presently, the Gateway Center rents office space for our daily activities at Herber Plumbing in Bay Shore, where participants have shown up thinking this is where the workshops were held.

In the past, we received funding for our other programs, which I gave a copy to everyone. So to date we have been granted and given out over \$200,000 for victims of domestic violence. Those infected or affected by the HIV/AIDS epidemic, and I'm confident we will be able to secure funding for our adolescent programs.

In our new facility, the purpose of having the special program for the children is we'll need to build Tornado Rooms that are specifically designed and equipped to help children release their fears, rage, anger and aggression in a safe environment. Recently, I flew up to the

Center for Grieving Children in Portland, Maine and they have Tornado Rooms there for children who have lost a parent or a sibling or something and they deal with the children mostly with rage and anger so that they can express themselves. And Jacob Watson, he's our Gateway senior staff member and one our lead facilitators. He helped design these Tornado Rooms in Maine and he's willing to do the same for Gateway here in Suffolk County. And these Tornado Rooms would be a first of its kind here on Long Island.

I'm not salaried at the Gateway Center, but I spend full time hours there. Our Clinical Director is also not salaried and we have two part-time paid office assistants and many volunteers like Maritza. We've been fortunate that other organizations are willing to assist us in various capacities once we have a permanent facility.

Thank you for allowing me this time to express the needs not only of the Gateway Center, but the adolescents in our community that have not had the opportunity to learn that anger is a natural feeling. They can learn how to act out anger appropriately and safely, without causing harm to themselves or others.

CHAIRPERSON FISHER:

Thank you, Jo Ann. Are there any questions?

LEGISLATOR CRECCA:

If the chair would allow me instead of asking any questions just to make a comment?

CHAIRPERSON FISHER:

Certainly.

LEGISLATOR CRECCA:

I've had the pleasure of knowing Jo Ann awhile and the work that the Gateway Center does. And I just wanted to just point out to my fellow Legislators having worked in the Family Court and dealing with some of these children who are dealing with major loss in their life or just dealing with major anger. This is something that -- a void that really I think needs to be filled here in our county. You know, building a juvenile detention center which is going to be great to house them and hopefully address it, but we're going to still need to deal with some of the underlining problems and the rage that some children are experiencing. So I would support somehow trying to help the Gateway Center in their work. I think what's also worthy of note here too is that we've talked about, you know, agencies and contract agencies and things that often have employees who are salaried, you know, at massive amount of the contract price is going to employees salaries. This is an agency that, you know, their executive director who I know works diligently, doesn't even take a salary. So this is one where know each dollar is going directly to the kids so I just wanted to make those comments and say that the work that they do is great.

MS. THOMAS:

Thank you, Andrew.

CHAIRPERSON FISHER:

I have a question. I've attended programs where bereavement through hospice have been described. Do you interact with those programs at all because I know that there are bereavement programs that deal with the anger that children feel after the loss of a parent in particular? How much do you dovetail with those programs?

MS. THOMAS:

Well, I'm a facilitator at a hospice for the past seven years; I do the parent wrap here in Bay Shore. They bring the children for the eight-week program and they deal with the loss and I facilitate the parents in the groups and it's wonderful work. In fact, I'm doing two groups a week now.

CHAIRPERSON FISHER:

Okay, so you're intimately involved with those programs.

MS. THOMAS:  
Very involved.

CHAIRPERSON FISHER:  
Because I saw some similarities when I read the materials.

MS. THOMAS:  
Right, but they don't handle rage beyond the anger stage that a child will go through. So when the child is done there, you know, refer them to like child psychologists or, you know, back to their doctors or something a lot of the children being put under drugs, you know, and what they're feeling is just either guilt of having lost a parent or shame, blame there's a lot related to it. A little boy watched his sister die in the swimming pool and did nothing to help her; he felt guilty and he acted it all out in rage and he didn't need to be medicated, he needed to have his feelings and have them identified and, you know, handled properly.

CHAIRPERSON FISHER:  
I think that was a very important point that you just made; there's so much inquiry right now regarding the use of Ritalin and other drugs and behavioral modification in that way and you're saying through counseling we can achieve some of that without the medicating. So it's an important part of the dialogue.

MS. THOMAS:  
Right, and this is more than counseling it's actually letting the kid, the child express themselves in a healthy way. A Tornado Room is equipped, fully equipped padded that has a professional punching bag, gloves, professional boxing gloves. They have phone books to rip up; they have bean bag chairs, Nerf bats. The room is totally equipped for the child you doesn't want to express themselves in words --

CHAIRPERSON FISHER:  
And maybe we could set something up like that in the basement here.

MS. THOMAS:  
And you could do it either before or after the meetings? But the child can go in and express themselves. Up at this grieving center for children in Portland, Maine, the children go in with a staff facilitator. They're there for eight weeks if the child is not talking about their loss and they feel a lot of rage and anger and disrupt the group all the time. A staff person will bring them into the Tornado Room and let him or her express themselves physically in a safe way. Sometimes after the third week or fourth week if the child is really tough or feeling a lot of guilt the child will then fall down on their knees and start to cry. Once they do that you know you've broken through the rage and then you can get to the grief issues cause under all rage is sadness. There's something in there that triggered that and they're protecting themselves and they're either trying to hurt themselves or others because they don't know what to do with their rage.

CHAIRPERSON FISHER:  
Thank you, Jo Ann. Are there any other questions? Legislator Cooper.

LEGISLATOR COOPER:  
Jo Ann, how many staff members do you have at the center?

MS. THOMAS:  
At our center they're two, myself and Frank Monastero, but our staff of facilitators consist of 40 about 46. They're based around the world; they were trained by Dr. Elisabeth Kubler-Ross and her center. She started these programs for the adults; she has done them for children and the entire staff has worked with children, but we have not worked with children yet at Gateway. We've been doing just the adult workshops. But we fly our staff in from all over the world and what we would base out here then is to have like Jacob Watson would come down to do training programs that we could train local people that work with children now that want to go further into the, you know, the rage and anger piece. We would train

them to do that work here on the Island.

LEGISLATOR COOPER:

And the people have been brought in or would be brought in for this training do they already have a background in either social work or something along those lines or do you occasionally get people in with basically no previous experience that just go through this training program?

MS. THOMAS:

No. Everybody that we work has to go through an extensive training period. There's Training 1, Training 2, Intermediate and Advance and it takes about six to eight years to complete that. We don't do them that often; we do maybe two a year, but then they have to attend other workshops throughout the year so they get their training through that way beside the regular trainings that we do. So it takes a long time; there's only about seven people that Elisabeth Kubler-Ross trained to be leaders. To lead the adult workshops cause they're very intense. They go almost back to the moment of the trauma. So they have to be trained to be there to be very present for that person for that adult as they bring them back maybe to the moment that they were raped and to work through that rape in a safe way knowing that they're safe now. And sometimes they need that because of the nightmares and just living in the horror of everyday for something that happened to them 40 years ago. So if we could get the children now when they're young they don't have to come to us when they're 40 and 50 years old.

LEGISLATOR COOPER:

Thank you.

CHAIRPERSON FISHER:

Are there any other questions or comments?

LEGISLATOR CARPENTER:

Madam Chair, thank you. I just want to, and I apologize for stepping out I was in a meeting that ran long, but the speaker was on, and I did want to echo what Legislator Crecca said and to talk about Jo Ann's dedication in the community for many years and has really done a marvelous job with this program and I'm glad you're down here today.

MS. THOMAS:

Thanks, Angie.

LEGISLATOR CRECCA:

I have a question for you Jo Ann. What do you need to get this -- the program evolving the children off the ground? I know you said that one of your problems is you need a permanent location, is that correct?

MS. THOMAS:

Right, yeah a place to have we need several rooms almost like meeting rooms. Several rooms would be turned into Tornado Rooms; the other rooms would be the regular rooms that the children would do their projects at.

LEGISLATOR CRECCA:

How many square feet do you think you need?

MS. THOMAS:

You know what I want. I can visualize it, but I don't know by feet. How I can describe it there's a building on 347 that's an old motel; there's a sign on it that says no trespassing New York State or something. Similar to that for the adults and the upstairs would house the adults. Downstairs would be all the meeting rooms and the workroom and all of that similar to something that size if it's two leveled. If not something even if it's only the children right now I would sacrifice the adults where they could still go to retreat centers. If we do something for the children with 5, 6, 7 rooms, one office, reception area, a room for the parents to go to cause we work on the parents at the same time like we do at hospice. So

the parent or guardian who brings the child in for the program would then go into a facilitated group to deal with their own issues about centering around the child. So they're both learning at the same time.

LEGISLATOR CRECCA:

And I guess my other question is I know Legislator Carpenter wants to follow-up on something, but what can we do to help to get the help to get this off the ground?

MS. THOMAS:

Well, if there's a building available that I can go look at that would suffice to build these Tornado Rooms and the other rooms that I would need that would be number one. Funding definitely to get the program started; to get a proper brochure made cause I do everything myself on the computer and I would really like to have something professionally done. We get the funding in, but I don't use it for that, I use that to bring the participants. I would rather have a participant come to the workshop than use the money toward a professional brochure. So we do all of that; we do all of our own mailings and labelings and everything.

LEGISLATOR CRECCA:

Where would you get your clients from in case of the children?

MS. THOMAS:

Well, past participant's number one, always ask if their children can come and we say we're not ready yet. Maritza?

MS. SANTOS:

I currently work HIV/AIDS population, so a lot of the, you know, the participants or anything like that would come from Catholic Charities, EOC of Suffolk, Options, CPS, Department of Health, so Planned Parenthood that deals with a lot of children.

LEGISLATOR CRECCA:

Okay. That's what I thought, but I just wasn't too sure.

MS. THOMAS:

Social workers, the nurses in the schools, psychologists.

LEGISLATOR CRECCA:

And you would take referrals from anybody like Family Court or, you know, anybody dealing with juvenile population.

MS. THOMAS:

We've already written to Judge Freundlich --

LEGISLATOR CRECCA:

Freundlich.

MS. THOMAS:

Yes.

LEGISLATOR CRECCA:

Yeah, he's mentioned that to me too and I know there's interest there, so that's what, you know, that's why I asked you what it would take to get it off the ground so.

MS. THOMAS:

Right.

LEGISLATOR CRECCA:

I know Legislator Carpenter if that's all right with the Chairman.

CHAIRPERSON FISHER:

I just have a quick question; do you have a contract with the schools, in other words, go into the schools with the program?

MS. THOMAS:

We haven't yet. I mean, we can; we can do one-hour presentations, we can do three hours, we can do half days, which we do around now, you know, to different agencies that we do for the adult programs. We go into the city; we go to Staten Island, you know, we go out here.

CHAIRPERSON FISHER:

Because under the safe schools models there might be schools that might be interested in having you come into their schools with programs. So that might be an interesting place to look. Legislator Carpenter.

LEGISLATOR CARPENTER:

Thank you. Jo Ann, I have an idea for a location in Bay Shore and rather than compromise anything publicly I'll call you about it.

MS. THOMAS:

Okay. Thank you.

CHAIRPERSON FISHER:

Okay, are there any other questions or comments? Okay, thank you very much.

MS. THOMAS:

Thank you, all, thank you.

CHAIRPERSON FISHER:

Our next speaker is Peter Quinn. Good afternoon.

MR. QUINN:

Good afternoon. My name is Peter Quinn, I'm a member of the Long Island Coalition for Democracy and we have been involved for several years with public education, public education issues. And I was particularly alarmed when I saw an ad in Sunday's paper about the Wyandanch schools having so many vacancies still, here we are only a week before school starts. And what is particularly distressing is the fact that there is such a difference among the branches of the State Legislature and the Governor regarding state aid to schools and particularly to those poor minority school districts like Wyandanch and Riverhead and even Roosevelt where we were more directly involved in challenging a charter school there. And it turns out that charter schools seem to be the political desire for solving problems in poor minority schools because that's where they are targeted. And yet when the truth is known the way the charter law was written three years ago, the arrangement was it takes money away from the public school and that's particularly distressing in both Wyandanch and Riverhead because what it means is larger class sizes. It also means higher property taxes for the community and here we are looking at a state whose governor promoted the idea of having a common day for voting. So we had that common day for voting the last couple of years and each time the districts put up their budgets and they discover to their dismay that they're really struggling and wrestling with what their budgets will be. So they're really promoting false budgets to the taxpayers because the state hasn't decided on the amount of money that they're going to give them. And what is particularly distressing this year after Judge Leland DeGrass came up with a lawsuit that was filed by the City of New York, by people in the City of New York. He concluded that there was a billion dollar short fall for 95 {cer} schools that is schools in -- schools under registration review by the State Board of Regents. And if I'm not mistaken Wyandanch is one of those schools as is Roosevelt and the particularly disturbing thing is that the Governor decided to filed a lawsuit against Judge Leland DeGrass's conclusion that poor minority schools need a sound basic education which I believe. I mean, most people if you -- would at least nod and say, yeah, that's desirable, but that's not what's happening because the Governor decided to file a lawsuit against it. In addition, the Legislature themselves each came up with a funding program. The Governor

proposed this year \$382 million in new money for 711 school districts composed of what were 4100 schools and the State Senate controlled by the Republicans called for 925 million. The Board of Regents proposed 1.4 billion and the Assembly proposed 1.7 billion not only this year, but next year as a means of dealing with the crisis in our schools. And yet here we are opening in September and these school districts don't even know what kind of money they're getting in state aid.

CHAIRPERSON FISHER:

You're absolutely right and we agree with everything you've said well much of what you said, but I'd like to know where we're going with your presentation?

MR. QUINN:

Right. I would ask that you bring the superintendent and the board president of Wyandanch and Riverhead to one of your education committee meetings and have them discuss with you the dilemma they're facing in staffing. You know, if you're high tax {low well} school district you can't attract the kind of teachers that other schools can nor can you retain them and it seems to me since those two school districts are among the poorest in Suffolk County this Legislature can't say it's not on our radar screen that's a state issue. It seems to me prudent for this Legislature if it's dealing with educational issues to take seriously the problems of poor minority districts and those two in particular. Thank you.

CHAIRPERSON FISHER:

Thank you very much. Are there any questions for Mr. Quinn? Okay, there being none, thank you so much for being here, Peter, those are important issues. Okay, are there any other is there anyone else in the audience who would like to speak to the committee about an issue? Okay, there being none we will move to the agenda. You can see that it's a very straightforward and short agenda. We should be able to just get right through it. Chuck would you like to make any comments or you're just there in case we have questions, okay. Thank you.

#### INTRODUCTORY RESOLUTIONS

1755-01 Authorizing a claim for State reimbursement for a Master Plan update for Suffolk County Community College. (Co. Exec.) Motion by Legislator Carpenter.

LEGISLATOR CRECCA:

Second.

CHAIRPERSON FISHER:

Second by Legislator Crecca. On the motion, Legislator Foley.

LEGISLATOR FOLEY:

Thank you. This is to undertake an update or there already is one and you look into to have reimbursements. What's already been done?

MR. STEIN:

(inaudible)

LEGISLATOR FOLEY:

All right.

CHAIRPERSON FISHER:

It was in the operating budget 2000-2001.

MR. STEIN:

(inaudible)

LEGISLATOR FOLEY:

Okay. Do we have a copy of the update, Madam Chair? Is that part of the backup? I don't have that particular resolution with me today.

CHAIRPERSON FISHER:

It's not part of the backup here.

LEGISLATOR FOLEY:

I think it would be helpful if we could through the Chair that the committee could receive a copy of the update master plan.

CHAIRPERSON FISHER:

Okay, this is it.

LEGISLATOR FOLEY:

It's been given to us in an informal nature.

CHAIRPERSON FISHER:

Backup we just have the resolution from the board of trustees and their communication with Brenda Rosenberg.

LEGISLATOR FOLEY:

But if and when there's a formal updated plan I'd like to get a copy of it.

CHAIRPERSON FISHER:

Thank you, Chuck. There is a motion and a second. All in favor? Opposed? 1755 is approved. (Vote: 6-0-0-0) Legal Counsel, can this be put on the consent calendar because it's simply asking for reimbursement?

MR. SABATINO:

Well, yes, it can. This is not a capital budget appropriation so there's no bond involved. Yes, you can put it on there.

CHAIRPERSON FISHER:

Is there any objection to having this on the consent calendar?

LEGISLATOR CRECCA:

Motion to place it on the consent calendar.

CHAIRPERSON FISHER:

Okay. 1767 --

LEGISLATOR FOLEY:

There's a motion.

CHAIRPERSON FISHER:

Oh, I'm sorry there's a motion to place it on the consent calendar.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? 1755 is placed on the consent calendar.

1767-01 Amending the 2001 Capital Budget and Program and transferring funds from various College Capital Projects to improvements to HVAC Systems College Wide (CP 2126.310) (Co. Exec.)

LEGISLATOR FOLEY:

Motion.

CHAIRPERSON FISHER:

Motion by Legislator Foley second by the Chair. All in favor? Opposed? 1767 is approved.  
(Vote: 6-0-0-0)

1773-01 Authorizing the Suffolk County Community College to purchase fuel from Suffolk County. (Co. Exec.)

LEGISLATOR CRECCA:  
Motion.

LEGISLATOR CARPENTER:  
Second.

CHAIRPERSON FISHER:  
Motion by Legislator Crecca and second by Legislator Carpenter. All in favor? Opposed?  
(Vote: 6-0-0-0)

LEGISLATOR TOWLE:  
On the motion.

CHAIRPERSON FISHER:  
On the motion Legislator Foley.

LEGISLATOR TOWLE:  
It's actually me, Legislator Fisher.

CHAIRPERSON FISHER:  
Oh, I'm sorry. I heard a male voice.

LEGISLATOR TOWLE:  
It's okay; it's not a problem. I just was curious, Chuck, since you're here this morning or this afternoon. Where were you guys buying your fuel now?

MR. STEIN:  
This is a continuation of the program.

LEGISLATOR TOWLE:  
Okay, just an extension then. Okay, thanks.

CHAIRPERSON FISHER:  
Does that go on the consent calendar?

LEGISLATOR CRECCA:  
Motion to place it on the consent calendar.

CHAIRPERSON FISHER:  
Motion by Legislator Crecca to place 1773 on the consent calendar. Seconded by the Chair.  
All in favor? Opposed? 1773 will be placed on the consent calendar.

#### SENSE RESOLUTION

70-2001 Memorializing resolution requesting Federal Communications Commission (FCC) to restrict advertising of R-Rated movies. (Fields) I'll make a motion.

LEGISLATOR FOLEY:  
Second the motion to approve, explanation though.

CHAIRPERSON FISHER:  
Explanation, Counsel.

MR. SABATINO:

This was a suggestion that come from that group of children who appeared before the Legislature. I think the group is called Let's Make a Difference in School and I think it was East Islip. And what they had asked for was restrictions with regard to R-rated advertising in the context of young people. So this is a reflection of what they requested which is to ask the Federal Communications Commission to promulgate rules and regulations that would restrict advertising of R-rated movies on radio, television and the internet between the hours of 9:30 P.M. and 5 A.M. on weekdays and 11:30 P.M. to 5 A.M. on weekends.

CHAIRPERSON FISHER:

Okay, there's a motion and a second. All in favor? Opposed? Sense resolution 70 is approved. (Vote: 6-0-0-0) Are there any other questions or comments?

LEGISLATOR FOLEY:

Madam Chair, I just have a question for Mr. Stein and if you could take this back to the board and to the president. At our last committee last round of committee meetings as well as the general meeting, one of the points that was raised and discussed as a result of the Budget Review Office's analysis of the proposed budget was the fact that there are a number of budget lines that had exceeded their expenditure amounts and that the college had requested the County Executive to submit to the Legislature resolutions that would cover in essence cover those over expenditures. And we were told at that time that before the end of the fiscal year that a resolution would have to come forward as we do at the end of our fiscal year to cover those additional costs in other lines. Madam Chair, since this is the last meeting before the end of the, end of the fiscal year, the college fiscal year, my concern is and I know that you share the same if we could hear from Mr. Stein on this the fact that it appears that we will not be receiving from the County Exec's Office a resolution to balance the say to move monies from different accounts in order to, to balance those other expansion lines that were over expended this past year. But that in mind, Mr. Stein, how does the college intend to move forward with the budget when, in fact, there could even be we could call say, a deficit in expansion lines and budget lines.

CHAIRPERSON FISHER:

Before Mr. Stein responds, last Friday Mr. Stein and Budget Review Office, the budget office of the County Executive's office and I met here and had quite a lengthy discussion regarding this issue. And, of course, the college had continued to request this resolution from the County Executive's office and Ken Weiss expressed an opinion that differed dramatically from that of the Budget Review office in one respect. And in another respect he made the statement that this was the -- that the refusal to submit this resolution was a statement by the County Exec's office that the college must work within the budget. And that being said I'll let you respond as well Chuck, but I did wanted it to be clear that Mr. Stein has spent quite a number of hours working on this.

LEGISLATOR FOLEY:

I understand that.

CHAIRPERSON FISHER:

And that the college has indeed requested this repeatedly from the County Exec's office.

MR. STEIN:

In addition to everything that Legislator Fisher just mentioned, we are trying to control the remaining expenditures through the end of the fiscal period. I would very much like to say and hope that this is an academic discussion. But we'll see at the end of the period. Beyond what has been brought up the fact that the college believes it did everything in conformance with the requirements and that is to bring a board of trustee resolution forward to the County asking for the supplemental appropriation. And then --

LEGISLATOR FOLEY:

Hold on a second, Chuck. Just one second, okay go ahead, I'm sorry, Chuck, go ahead, Mr. Stein.

MR. STEIN:

Okay. As I said, the college believes that by having the board of trustees approve a resolution asking for a supplemental appropriation was appropriate and in conformance with the requirements that have come before the County and that the procedure calls for that to be submitted to the County Executive and that once that occurs there's not much more the college can do with respect to what happens on the County side. This is a dilemma by the way that I had brought up to the board of trustees as a potential problem and I used an example with the board of trustees and if you don't mind a few minutes of indulgence here I'll try to use the same example here.

And it's a hypothetical case, but let's just make an assumption for the moment that we get a budget adopted and that happens in August. A lot of our registration occurs just prior to the start of classes and on this hypothetical case the -- all of a sudden there's a tremendous influx of students. And that tremendous influx of students, which brings with it tuition payments, would also require the expenditure of funds beyond what was in the budget in terms of faculty, supplies, equipment, etc. Under the current scenario or the current process I should say, the board of trustees would have to request a supplemental appropriation from a reserve fund because we can't touch revenues yet. And again, this hypothetical case assumes that there is a reserve fund that that resolution from the board of trustees would then be sent to the County Executive following the procedures. But based upon the comments that we heard last Friday, we would have to live within our appropriations. We may or may not have a resolution submitted to the Legislature for action, in the mean time, we have classes starting so the college is really left with little choice other than to say to those students, sorry in one case. Sorry we can't register you or wipe out other accounts where expenditures will be necessary through the remainder of the year in hopes that we'll get a supplemental appropriation later on.

CHAIRPERSON FISHER:

But Chuck, there was an additional comment from the County Exec's Office which was, that although that's a hypothetical case that to which you are referring. Their budget office comments were that the revenues have not increased, but rather there has been a decrease in revenues and decrease in and I remembered your argument regarding that. But that's an important element --

MR. STEIN:

And I want to bring and I want to bring that up. The argument was that overall enrollment I was using a hypothetical case and they turned back to the case of this current year that we're finishing and they said overall enrollment, in fact, was below budget. It was slightly below budget. What I pointed out was that we may have had enrollment in some areas that were down, but we had enrollment in other areas like ESL that was way up and. In fact, it resulted in a significant amount of additional revenue to the college this year, but we had to go out and hire those special teachers. So the only alternative there as I explained on Friday in front of Legislator Fisher was and I asked the question, was the budget office then saying we should lay off tenure teachers in order to hire the ones where the enrollment is? Now I didn't get an answer.

LEGISLATOR FOLEY:

But what I would like to talk about though is to go from the hypothetical to where we are today. And where we are today is where we were about a month ago when we received the BRO report that mentioned the fact that, you know, resolutions would have to come forward before the end of the fiscal year in order to balance the books, so to speak. That's not happening; not that you haven't attempted to make it happen I understand that, but what I could hear from Counsel through the Chair and then also hear from our Budget Review Office as to whether or not this is a generally accepted accounting practices. The way that this seems to about to seem to happen which is to end the year in a deficit, but Counsel, if no resolution has come forward and in essence the budget then is no longer let say, it's no

longer can we say is a legal budget or where do things stand legally speaking?

MR. SABATINO:

Well, I was not present at the meeting --

LEGISLATOR FOLEY:

But, not at the meeting --

MR. SABATINO:

Right --

LEGISLATOR FOLEY:

But where do we stand now without the fact that these resolutions aren't coming forth to balance the different expenditure lines?

MR. STEIN:

Can I just throw one thing in before you comment? I just want to draw a distinction here cause Legislator Foley used a term a little while ago about deficit. Deficit is a financial term. The situation that exists here is deals with the budget and authorized appropriations. A financial statement is actually going to show that we had revenues that exceeded what the budget was that will, in fact, cover these expenses. So --

LEGISLATOR FOLEY:

But we won't disagree with those the fact that there is supposed to be resolutions coming forward to balance --

MR. STEIN:

We're all saying the same thing.

LEGSLATOR FOLEY:

And that's why I want to hear from Counsel on that, if I may.

MR. SABATINO:

The general principle and it's articulated both in State laws as well as follow through in the County Charter is that expenditures can not exceed appropriations. So if you have \$100 of appropriations you can only expend up to the \$100 of appropriations. My understanding of what's taken place here is that we have a potential for expenditures to exceed appropriations which would be totally completely illegal under State and County Law. And that raises major implications because, for example, if someone tried to process a voucher for the payment for something that would be in excess of the appropriation that would be the equivalent of filing, you know, a false, a false instrument, a -- it would be a ramifications in terms of filing false documents. It would be processed so I suspect, but I was not at the meeting and that why it's important for me to make that comment. I suspect that what the outgrowth of this is that everybody must have at least agreed that you can't exceed appropriations, but I think what they're going to try to do is let the expenditures roll into the next fiscal year. If that's what the outcome of the meeting on Friday was then the college starts off a couple of million dollars in the hole because, because well, whatever the amount of the excess appropriation --

MR. STEIN:

Yeah, I mean, you know, I wouldn't say a couple of million, I 'd think we're talking about something significantly less than that.

CHAIRPERSON FISHER:

Okay, if I --

MR. SABATINO:

Well, whatever the amount is you start off that much --

MR. STEIN:

If that, in fact, occurs.

CHAIRPERSON FISHER:

Okay, Jim, you were at the meeting and because this is a very technical issue. There were also other issues that came into the conversation for example, covering payroll whether or not the checks that are -- come out of the Comptroller's office are covered by appropriated funds. Can you please get into that because I think that that's a very telling area here, okay?

LEGISLATOR FOLEY:

And the reason here, Madam Chair, the reason and I would generally disagree with Mr. Stein, it's not an academic exercise because if, in fact, with no if, in fact, we pass a budget and there are these, you know, there are these over expenditures and certain lines and there's no resolutions before the end of the year to let's say, balance the books sort of speak. Then to my mind to my way of thinking it throws open the whole issue of what kind of discipline is there to budget that we approve when, in fact, you know, before the end of the year there aren't resolutions to balance the different expenditures lines.

CHAIRPERSON FISHER:

Actually, what he was --

MR. STEIN:

I just have to clarify something.

CHAIRPERSON FISHER:

Yes.

MR. STEIN:

When I said an academic discussion I preface it by saying, if, in fact, in the last few weeks we have an expenditures that aren't not exceeding appropriation, then this would be an academic discussion.

LEGISLATOR FOLEY:

Right, right.

CHAIRPERSON FISHER:

Okay. If Budget Review could go back to the issue of the Comptroller issuing checks when there haven't been appro -- could you, Jim you were at the meeting.

MR. SPERO:

The as Paul pointed out the legalities vis a vis over expending appropriations, however --

CHAIRPERSON FISHER:

How about writing check when there's no money in the checkbook.

MR. SPERO:

Right. Part of our problem is that the IFMS system our accounting system is different from the payroll system and the payroll system will cut a check when, in fact, there could be an appropriation shortfall or appropriation deficit. We contacted Audit and Control yesterday morning and cause we were advised by the college at the meeting that overall there are sufficient excess appropriations so that the upcoming payroll with is this Thursday can be covered with available appropriations. Other expenses appropriation authority may run out for to fund other expenses I brought up the idea of the light paying your light bill. And here in lies an interesting problem for the County and that is if the payroll is made with sufficient appropriations available and the light bill is not paid for August let's say and is paid for from September appropriations in all likelihood the auditors will accrue that August payment back to the prior year which is all well and good. But the part we were not I was not fully aware of is that in so doing they free up the appropriations back again in the following year. So --

CHAIRPERSON FISHER:

What does that mean?

MR. SPERO:

That means that if the light bill is \$100,000, it's paid in September and the auditors accrued it back to August for, you know, the prior fiscal period the September appropriations are freed up, essentially making the budget whole.

MR. SABATINO:

Is that what you just said is that using an accounting gimmick you can back door a breaking of this State limitation on expenditures? That sounds counter intuitive --

LEGISLATOR FOLEY:

We know that, we know that, hold on a second.

MR. POLLERT:

We had discussed this; you're spending the same money twice in effect because you're allowing the Community College to over expend their available appropriations. We had discussed this last year when we had the same problem with the County's Operating Budget when the Legislature issued the budget note so that the County Executive and Comptroller would not be in this problem. When the auditor does that he will then have a negative note to the financial statement which will criticize the Community College for taking an illegal action in over expending available appropriations. In addition to that it really throws out entirely the entire budget process. It says that there is no budget control the Community College or any department can over expend available appropriation provided by the Legislature and the auditors will come in after the fact, just say, gee, you ran a deficit, give you a slap on the wrist in the notes to the financial and it really defeats the entire process of a budget process. So if you had included hypothetically \$2 million worth of turnover savings and the Community College decided to fill each and every spot and over expend their budget by \$2 million even though the Legislature had adopted turnover savings of \$2 million --

TAPE WAS TURNED OVER

MR. POLLERT:

-- so in effect the Community College if the Executive allows them to do this would really have card blanche to do whatever they wanted in the budget and just to have it cleaned up by the auditors at the end of the year.

CHAIRPERSON FISHER:

And what the County Executive's office was saying was that was precisely why they didn't want to file that appropriating resolution. So you're saying that you agree with them on that?

MR. POLLERT:

No, I strongly disagree. We had first brought this to the attention of County Executive's office as well as the Legislature in February.

CHAIRPERSON FISHER:

Their claiming that if they had a supplemental appropriation, supplementary appropriations that it would be, in fact, making a statement that they agree with over expending the budget, that was their argument. I'm just reiterating what their argument.

MR. POLLERT:

Yes. The problem is, is they also show in their estimated column and acknowledge in their estimated column that the Community College will over expend the budget. Likewise last year the independent auditors in their financial review of the Community College included a note which said the College's budget is with the County's other operating budget is legally enacted through passage of a legislative resolution whereby provisions of the Suffolk County Charter subsequent to the adoption of the budget by the Suffolk County Legislature total expenditures within the college may not legally exceed the total budgeted amounts unless

approved by the Legislature.

CHAIRPERSON FISHER:

So we're asking for an instrument that would all us to --

MR. POLLERT:

That's correct.

LEGISLATOR FOLEY:

May I, Madam Chair?

CHAIRPERSON FISHER:

Okay, Legislator Foley.

LEGISLATOR FOLEY:

Thank you. Fred, as a follow up to those implications and you mentioned about IFMS and the accounting system are two different systems, is there oversight in place where they can put the brakes on a certain expenditure if they see that there isn't enough in that particular account. I mean, how can a government business be suppose to be that kind of oversight?

MR. POLLERT:

You've now got two weeks left to the end of their fiscal cycle --

LEGISLATOR FOLEY:

I understand that, but I mean, during the year.

MR. POLLERT:

During the year --

LEGISLATOR FOLEY:

Comptroller's office that oversees the -- and has to approve the expenditures?

MR. POLLERT:

No, it's actually the Community College has a lot of latitude under their Type C agreement. Practically what will happen with the Comptroller's office is they will not process vouchers for travel or for heat, light, and power or those types of expenses so that they can meet payroll. They want to meet payroll --

LEGISLATOR FOLEY:

I'm not talking about --

MR. POLLERT:

Okay.

LEGISLATOR FOLEY:

I'm not talking about the last two weeks of the fiscal year; I'm speaking about during the year.

MR. POLLERT:

That's up to the college.

LEGISLATOR FOLEY:

It's up to the college, but the college has to submit those vouchers to the Comptroller's office, is that not correct?

MR. POLLERT:

That's correct.

LEGISLATOR FOLEY:

Now couldn't the Comptroller's office notwithstanding the difference between the two

systems that you said, IFMS and the accounting systems, is there not a way in which those who have to review the vouchers in the Comptroller's office can see which line there's a request being made to take monies from can they then not look at that particular line and see whether there's any money in there? Or, in fact, that if a certain trend continues that there's going to be a deficit in that particular line well before the end of the year? I'm talking about fiscal oversight.

MR. POLLERT:

No, it's my understanding that that level of fiscal oversight is provided by the Budget office not by the Comptroller's office.

MR. STEIN:

The IFMS system, if I can supplement the comments here, the Integrated Financial Management System covers all those areas other than personnel, the equipment supplies, etc. and in those circumstances you can not process anything beyond the amount that's available in the appropriation. It won't work.

LEGISLATOR FOLEY:

With the exception of personnel then is what you're telling me.

MR. STEIN:

Right, payroll.

LEGISLATOR FOLEY:

Payroll rather.

MR. POLLERT:

But even within the payroll account if the payroll account is overdrawn for some reason according to the Comptroller's office it's the obligation of the County Executive's office to do the budget transfers to balance the accounts within five days.

LEGISLATOR FOLEY:

Is that an opinion?

MR. POLLERT:

It's a requirement of the Comptroller's office, I don't know --

LEGISLATOR FOLEY:

Requirement it's not invested in law it's a requirement?

MR. POLLERT:

That I don't know.

LEGISLATOR FOLEY:

Okay. Well, what I'm driving at Madam Chair is to try to find a way in which this won't happen again in the future, you know, and whether it has to be some internal let say, financial brakes that could be applied to those particular lines, you know?

CHAIRPERSON FISHER:

How many times has this occurred in the past where the college has over expended the budget historically?

MR. POLLERT:

That I don't know; I think we would really have to look that up, I don't know off hand.

CHAIRPERSON FISHER:

Well, didn't it occur last year?

MR. POLLERT:

It probably did, I haven't reviewed the auditors statements.

CHAIRPERSON FISHER:

My understanding from Friday's meeting was that it had occurred last year and that checks were written to cover it and it was assumed that it was okay.

MR. POLLERT:

No, clearly the independent auditors would not -- would have noted that in the financial statements that that was improper and incorrect because as Paul Sabatino had mentioned it's in state law that you can not over expend appropriations.

LEGISLATOR FOLEY:

So if they're in violation of, Madam Chair, if they're in violation of state law by the end of the year, I mean, what, what is the budgetary remedy and what is, is there a legal remedy to this and I don't think that we're quibbling because as Mr. Pollert mentioned earlier, you know, they're some rather serious implications on whether or not the budgets that we approve would be not only be adhered to, but will give some discipline to the expenditure practices for any given department not just not just the colleges department. So what remedies do we have to try to prevent this from happening in the future other than living within ones budget lines? I mean, what other circuit breakers could there be, for instances, so we could flash a warning to say listen --

CHAIRPERSON FISHER:

Are there interim reports that could be reviewed so that we could see quarterly, semi-annually or --

MR. POLLERT:

Well, I would defer to Legislative Counsel, but I believe if a department requests a budget modification from the County Executive and he doesn't act on it within a certain period of time they can bring the request directly to the Legislature short circuiting going through the County Executive's office. So --

CHAIRPERSON FISHER:

What about the Davis Act or law that you referred to?

MR. POLLERT:

Well, you'd have to read the two, I would imagine in concert with one another, but if this process had started early enough and if the County Executive had not decided to come forward with a resolution they might've been able to have gotten through at the last round of the Davis bill, but I would defer to the Legislative Counsel.

MR. SABATINO:

Yes, that's true. There's another provision of Article 4 of the County Charter which says that if a department makes a direct request to the County Executive and he takes no action or rejects it at the conclusion of 21 days, then the Legislature has 45 days to act on that particular request and could, in fact, make the change.

LEGISLATOR FOLEY:

Does the college fund fall under that interpretation too, since it not a department under its Plan C agreement?

MR. SABATINO:

Yes. They're governed by Article 4, the only like as I said, the problem is you have to allow enough time to elapsed. I think what Fred was saying was you need a time --

CHAIRPERSON FISHER:

And that was the problem with this issue that there was not enough time?

MR. SABATINO:

That's right.

CHAIRPERSON FISHER:

Okay. Chuck?

MR. STEIN:

Yeah, Fred and I were just talking and I was wondering if given our fiscal year differences I was wondering if there's something that possibly could be considered with respect to the Community College a vis a vis the Davis Act --

CHAIRPERSON FISHER:

Okay. Change the Davis Law to --

MR. POLLERT:

One possibility would be because they have a different fiscal year would be to change the Davis Law for the Community College, so there would be the Davis Law for the County's operating budget and then a separate timeline for the Community College which would provide adequate, you know, opportunity to the Legislature --

CHAIRPERSON FISHER:

Why don't we look at --

LEGISLATOR FOLEY:

And that would still be on a quarterly basis, but it would be a quarterly basis according to the college's fiscal year. So it would be a different four quarters.

CHAIRPERSON FISHER:

Chuck, when we met last Friday you made two representations; Chuck, when we met last Friday you made two statements, one was that you would need to call a trustee's meeting; that they weren't planning on meeting within this two week period, but that you would be meeting with them. Did you indeed meet with them or have you contacted the trustees regarding this issue?

MR. STEIN:

I'd informed the president, you know, about the situation.

CHAIRPERSON FISHER:

Okay. And you also said that there would be areas where you would be looking at making cuts and expenditures, so that --

MR. STEIN:

As I said earlier, you know, we're trying to hold the line where we can and --

CHAIRPERSON FISHER:

Would that be supplies, I don't know which areas?

MR. STEIN:

It would be all areas beyond those commitments to personnel, you know, that have already been --

CHAIRPERSON FISHER:

Okay.

MR. STEIN:

-- in operation, I guess is the best way.

CHAIRPERSON FISHER:

All right. Well, that you very much.

LEGISLATOR FOLEY:

Madam Chair.

CHAIRPERSON FISHER:

Okay.

LEGISLATOR FOLEY:

Thank you for your patience, Madam Chair. As part of the transfer of monies or lack thereof as you recall, Chuck, in last years budget we had lock box two expenditure items. One had to do with instructional supplies and a second had to do with the 21 full time faculty positions. It's my understanding that 16 of the 21 positions were filled, the other five were not. We had extension discussions about that over a series of meetings. Where are those monies; how have they been used by the college and whatever the remaining monies have been for that are available from the instructional supply line, where are they? Or where are those particular funds as we approach the year of the fiscal year?

MR. STEIN:

The appropriations are still in the appropriations, so in other words, instructional supplies is 3100.

LEGISLATOR FOLEY:

Right.

MR. STEIN:

There still in there; we have not in accordance with the requirements of the Legislature used any of those monies outside of the instructional supply area. So anything that has not been expended is still within 3100.

LEGISLATOR FOLEY:

How about with the five full time faculty positions?

MR. STEIN:

That's on the 1100 line, which is permanent salaries.

LEGISLATOR FOLEY:

It was a sub-object, I think of 1100. I mean, it was it's own stand-alone box.

MR. STEIN:

The 1000 series is payroll and the 1100 line is permanent salaries --

LEGISLATOR FOLEY:

Okay.

MR. STEIN:

So all permanent salaries are covered under that one line.

LEGISLATOR FOLEY:

All right. So if neither of those if there are funds in those areas that will not be expended by the end of the year what will have to those monies for next year? What do they go?

MR. STEIN:

I don't think -- the two years are exclusive, let's put it that way. As far as the five additional positions that --

LEGISLATOR FOLEY:

Well, the monies, the monies will be will they go to the --

MR. STEIN:

It stays with the 2000 - 2001 fiscal year.

LEGISLATOR FOLEY:

Yeah, but does it go to the surplus account, does it go to the reserve account?

MR. STEIN:

It goes to cover all areas with respect to the operations for that year. In other words, all of the appropriations, all the expenditures are totaled up versus all of the revenues and --

LEGISLATOR FOLEY:

No, my point is particularly with the faculty positions. Those -- the monies for those five positions; if they're not use by the end of the year where are they shown for next years purposes? Are the monies rolled over?

MR. STEIN:

No. It's exclusive with the fiscal year that they're in. What I'm saying is that it's covering salaries and --

LEGISLATOR FOLEY:

Okay.

MR. STEIN:

All right.

LEGISLATOR FOLEY:

If we could hear from the Budget Review on that particular point, please?

MR. POLLERT:

I don't want to speak for the Department of Audit and Control. But I'm under the impression that based upon conversations we had with the Department of Audit and Control yesterday that the unspent appropriations that were placed in the lock box by the Legislature will not be available to cover shortfalls and other areas of the budget, including payroll, even though the funds have not been encumbered. The resolution, which clearly identified that the funds could not be spent for other purposes without a legislative resolution in effect, obligates the funds. So even though there's a surplus in the salary account because all those instructional spots were not filled the surplus appropriations will not be available to meet the current obligations of the college to meet payroll.

LEGISLATOR FOLEY:

Okay. If they're not available for those purposes how will those monies be treated in next years budget? It will be rolled over?

MR. POLLERT:

No. They close to fund balance at the end of year.

LEGISLATOR FOLEY:

Now by fund balance it means it goes to reserve accounts?

MR. POLLERT:

That's correct.

LEGISLATOR FOLEY:

Now if it goes to reserve accounts then next year can they be used for any purpose under reserve accounts or could they only be used for faculties?

MR. POLLERT:

Well, the lock box only works one year. So when it closes to fund balance there's no, you know --

CHAIRPERSON FISHER:

There's no restriction --

MR. POLLERT:

There's no restriction anymore it just gets mixed in.

LEGISLATOR FOLEY:

Ah, okay. Unless we put language in okay, all right.

CHAIRPERSON FISHER:

Fred, if it's lock box for faculty positions why can't it be used for payroll?

MR. POLLERT:

Because it was lock boxed for new faculty positions which were identified by budget position number and even the college has agreed that even though they hired more faculty titles they kept five faculty titles in the new series that the funds were available for vacant.

CHAIRPERSON FISHER:

But wouldn't they have covered, for example, those --

MR. STEIN:

Can I just --

CHAIRPERSON FISHER:

-- ESL positions to which Chuck referred? Wouldn't those have been new positions that were created? They weren't full time faculty positions.

MR. STEIN:

There not full time faculty.

CHAIRPERSON FISHER:

I see, okay.

MR. STEIN:

I can't really comment on this; I haven't spoken to Audit and Control, so --

LEGISLATOR FOLEY:

Just an important exercise for us to discuss it cause now I have it clear in my mind as to what can happen to those monies. And one of the things we're going to have to explore in the future is looking at a way to, I would think, to lock box some of these monies, if you could, in perpetuity or some such language in every subsequent budget cycle so that if in this case the college wants to, I'll say, get around something by not expending those dollars and then being patient waiting till the following year where they could then use if for any purpose. And that somewhat defeats the purpose of why we put it in to begin with so it's something we're going to have to watch carefully in future years.

MR. STEIN:

A point of information, the budget for 2001-2002 did anticipate filling those positions and, in fact, two of them have already been filled by board resolution.

LEGISLATOR FOLEY:

Good. Thank you, Mr. Stein.

CHAIRPERSON FISHER:

That occurred at the last trustees meeting, if I recall.

MR. STEIN:

The one happened in June and another one occurred in August. There would have been a third, but the process hadn't quite finished in time for the meeting.

CHAIRPERSON FISHER:

If there are not further questions I move to adjourn this meeting. Seconded by Legislator Foley. Meetings adjourned thank you very much.

(Having no further business the Education and Youth Committee was adjourned at 2:45 P.M.)

{ } denotes spelled phonetically.